IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6908 OF 2006

Rushikant Arjun Patil ....Petitioner

Versus

The State of Maharashtra and ors. ...Respondents

Mr. V.V. Pai for the petitioner.
Mr. V.P. Malvankar, Assistant Government Pleader, for the respondents.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.
DATE: **OCTOBER 16, 2006**.

P.C.

This matter has been taken up at 3.00 p.m. on a special request made by the learned counsel for the petitioner on account of the urgency in the matter.

2. The petitioner has retired from Government service as a Class-IV employee, after putting in 42 years of service, on 28th February, 2005. As per the Government Rules, the petitioner is entitled to occupy the Government accommodation for a period of three months from the date of retirement. As the petitioner has overstayed, he is being charged Rs. 10/- per square foot as rent. The petitioner is

suffering from cancer and is presently undergoing treatment at the Tata Memorial Hospital, Mumbai. Certificates to this effect have been appended to the writ petition. The prayer of the petitioner is that in view of this unfortunate situation, he may be allowed to continue to occupy the premises on payment of Rs. 10/- per square foot for a period of six months as per the advice of the doctors.

2. The learned Assistant Government Pleader has received instructions from the Department and informs us that the respondents are not agreeable to grant the petitioner's request.

3. We have considered the matter very carefully. The certificates on record show that the petitioner is suffering from Non Hodgkin's Lymphoma and he has to visit the Tata Memorial Hospital twice or thrice in a month for a regular check up. We are informed by the learned counsel that the petitioner has got accommodation near Dahanu, which is said to be three hours' drive from the Hospital which is located in Parel. We are, therefore, of the opinion that it would not be possible for the petitioner to attend to his treatment from that long distance in view of his fragile health.

4. We accordingly, in the peculiar facts of this case and as a

matter of sympathy, permit the petitioner to occupy the present Government accommodation till 31st May, 2007, on payment of Rs. 10/- per sq.ft. Writ Petition is accordingly disposed of.

CHIEF JUSTICE

V.M. KANADE, J.